

kmp7299/MM  
Return Date & Time:  
April 30, 2020 at 09:05 AM

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Chapter 13 Case No: 19-13952

IN RE:

NOTICE OF MOTION

Orville Chevron Collins,

Debtor(s).

-----X

PLEASE TAKE NOTICE, that upon the within application, the Chapter 13 Trustee will move this court before the Honorable Cecelia G. Morris, Chief U.S. Bankruptcy Judge, at the United States Bankruptcy Court, One Bowling Green New York, NY 10004, on April 30, 2020 at 09:05 AM, or as soon thereafter as counsel can be heard, for an Order pursuant to 11 U.S.C. §1307(c) for cause, dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Bankruptcy Court and served upon the Chapter 13 Trustee, Krista M. Preuss, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: White Plains, New York  
March 3, 2020

/s/ Krista M. Preuss  
KRISTA M. PREUSS, CHAPTER 13 TRUSTEE  
399 KNOLLWOOD ROAD, STE 102  
WHITE PLAINS, NY 10603  
(914)328-6333

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Chapter 13 Case No: 19-13952  
IN RE:

Orville Chevron Collins,

-----X APPLICATION

Debtor(s).

TO THE HONORABLE, CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE:

KRISTA M. PREUSS, ESQ., Standing Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on December 16, 2019, and, thereafter, KRISTA M. PREUSS was duly appointed and qualified as Trustee.
2. This is the Debtor's third bankruptcy case. The Debtor's first case, 15-36323 was filed under Chapter 7 on July 20, 2015. The Debtor received a Chapter 7 discharge on December 14, 2015. The Debtor's second case, 18-36324 filed under Chapter 7 on August 08, 2018. The Debtor was dismissed from Chapter 7 on March 08, 2019.
3. The Debtor has failed to comply with 11 U.S.C. §521(a)(1) and Bankruptcy Rule 1007(b) in that the following required documents have not been filed:
  - a. official Form B22C (CMI), Statement of Monthly Income and Disposable Income pursuant to 11 U.S.C. §521(a)(1)(B)(v);
  - b. complete schedules of assets and liabilities pursuant to 11 U.S.C. §521(a)(1)(B)(i);
  - c. schedules I and J pursuant to 11 U.S.C. §521(a)(1)(B)(ii);
  - d. statement of Financial Affairs pursuant to 11 U.S.C. §521(a)(1)(B)(iii); and
  - e. copies of all payment advices or other evidence of payment for last 60 days before the date of the filing of the petition by the Debtor from any employer of the Debtor pursuant to 11 U.S.C. §521(a)(1)(B)(iv).
4. Furthermore, the Debtor has failed to:
  - a. file a Credit Counseling Certificate as required by 11 U.S.C. §521(b)(1);

- b. file a Chapter 13 Plan, as required by 11 U.S.C. §1321 and Fed. R. Bankr. P. 3015(b);
- c. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343;
- d. failed to commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1);
- e. provide the Trustee a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i).

5. The time limits set forth in Bankruptcy Rule 1007(c) have expired and no extension of time has been granted by the Court.
6. The Debtor's failure as stated above impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).
7. The foregoing constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: White Plains, New York  
March 3, 2020

/s/ Krista M. Preuss  
Krista M. Preuss, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:

Orville Chevon Collins,

Chapter 13 Case No: 19-13952

CERTIFICATE OF SERVICE  
BY MAIL  
Debtor.

-----X

This is to certify that I, Meghan McCarthy , have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Orville Chevon Collins  
3940 De Reimer Ave  
Bronx, NY 10466

PRO SE

Stephani A. Schendlinger, Esq.  
RAS BORISKIN, LLC  
900 MERCHANTS CONCOURSE, SUITE 310  
WESTBURY, NY 11590

This March 3, 2020

/s/Meghan McCarthy  
Meghan McCarthy ,Paralegal  
Office of the Standing Chapter 13 Trustee  
Krista M. Preuss, Esq.  
399 Knollwood Road, Suite 102  
White Plains, New York 10603  
(914) 328-6333

CHAPTER 13 CASE NO: 19-13952  
UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**Orville Chevron Collins ,**

Debtor(s).

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**NOTICE OF MOTION, APPLICATION  
and  
CERTIFICATE OF SERVICE**

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KRISTA M. PREUSS  
STANDING CHAPTER 13 TRUSTEE  
399 KNOLLWOOD ROAD, SUITE 102  
WHITE PLAINS, NEW YORK 10603  
(914) 328-6333

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